APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/407,878	09/29/1999	GASPER HERNANDEZ III	2925-324P	3326

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EXAMINER
YUAN, ALMARI ROMERO

ART UNIT	PAPER NUMBER
2176	

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.		Applicant(s)	
Office Action Summary		09/407,878		HERNANDEZ III, GASPER	
		Examiner		Art Unit	
		Almari Yuan		2176	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 June 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-37* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: Appeal Brief filed on 6/28/04.

2.   The rejection of claims 1-37 under 35 U.S.C. 103(a) as being unpatentable over Fake,

Daniel, and Kang has been withdrawn in light of newly found art.

3.   Applicant's request for reconsideration of the finality of the rejection of the last Office

action is persuasive and, therefore, the finality of that action is withdrawn.

4.   Claims 1-37 are pending in the case. Claims 1, 18, 19, and 20 are independent claims.

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

6.   **Claims 1-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kadyk**

et al. (USPN 5,930,399 – issued 07/27/1999) in view of Kim (USPN 6,014, 616 – filed

11/13/1997) .

Regarding independent claims 1 and 18, Kadyk discloses:

In a system having a video screen energized according to a file of non-text display-generation

data, a method for automatically translating a subset of said file of non-text display-generation

data into text variables (Kadyk on col. 2, lines 11-18 teaches encoding each character in a set of

characters represented by a hexadecimal value), the method comprising:

acquiring said file of non-text display-generation data (Kadyk on col. 2, lines 19-22

teaches a plurality of encoding characters from the subset of characters permitted to be

transmitted is selected); extracting groups of non-text data, translating said groups of non-text

data into groups of text data (Kadyk on col. 2, lines 45-51 teaches one of the characters from the

subset of characters is selected; wherein the character is encoded by replacing the nibbles

comprising hexadecimal value with the encoding characters).

However, Kadyk does not explicitly disclose "identifying one of said groups of text data

as corresponding to said desired indicator" and "converting the identified group of text data into

a set of text variables having values representative of said characteristics of said desired

indicator".

Kim does disclose ""identifying one of said groups of text data as corresponding to said

desired indicator", (on col. 3, lines 1-25 and col. 4, lines 56-61 teaches a cursor that represents a

color by determining the language conversion commands; each cursor color corresponds to a set

of language data) and discloses "converting the identified group of text data into a set of text

variables having values representative of said characteristics of said desired indicator", (on col.

4, lines 56-61 teaches data sets are used to translate signals received from the keyboard into

appropriate linguistic characters; on col. 3, lines 7-9 teaches wherein the system reads data from

the new language and changes the color of the cursor to the color indicative of that new

language).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified Kim into Kadyk to provide a way to identify data of the

new language in order to change the color of the cursor, as taught by Kim, incorporated into the

subset of characters encoded from hexadecimal into ASCII, as taught by Kadyk, in order to

enhance the monitoring of a language used by the operating system to communicate with a user

via a display device.

Regarding dependent claims 2 and 24, Kadyk discloses:

in response to which said file of non-text display-generation data will be produced; and

obtaining a copy of said file of non-text display-generation (Kadyk on col. 2, lines 19-22

teaches plurality of encoding characters are selected; wherein each of the encoding characters is

assigned to encode a different hexadecimal digit).

Regarding dependent claims 3 and 21, Kim discloses:

assuring, before submitting said request, that a cursor on said video screen is in a

predetermined location on an input screen (Kim on col. 2, lines 66-67 teaches displaying a

cursor that has a color).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified Kim into Kadyk to provide a way to identify data of the

new language in order to change the color of the cursor, as taught by Kim, incorporated into the

subset of characters encoded from hexadecimal into ASCII, as taught by Kadyk, in order to

enhance the monitoring of a language used by the operating system to communicate with a user

via a display device.

Regarding dependent claims 4 and 22-23, Kim discloses:

toggling, if said coordinates of said cursor do not match said predetermined location, said

cursor to said predetermined location (Kim on col. 5, lines 1-5 teaches the cursor in the linguistic

character input area toggles between colors representing the two languages).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Kim into Kadyk to provide a way to identify data of the new language in order to change the color of the cursor, as taught by Kim, incorporated into the subset of characters encoded from hexadecimal into ASCII, as taught by Kadyk, in order to enhance the monitoring of a language used by the operating system to communicate with a user via a display device.

Regarding dependent claims 5 and 25, Kadyk discloses:

parsing each string of data in said file of non-text display-generation data that is bounded at the beginning and at the end by predetermined data values to produce said groups on non-text data (Kadyk on col. 2, line 57 teaches decoding encoded data).

Regarding dependent claims 6 and 26, Kadyk discloses:

wherein said predetermined data values represent an escape character (Kadyk on col. 3, line 57 teaches Escape key).

Regarding dependent claims 7 and 27, Kim discloses:

filtering data that do not represent characteristics of an indicator (Kim on col. 3, lines 1-25 teaches detecting signals to determine language for the cursor).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Kim into Kadyk to provide a way to identify data of the new language in order to change the color of the cursor, as taught by Kim, incorporated into the subset of characters encoded from hexadecimal into ASCII, as taught by Kadyk, in order to enhance the monitoring of a language used by the operating system to communicate with a user via a display device.

Regarding dependent claims 8 and 28, Kadyk discloses:

wherein said non-text display data is hexadecimal data and said text data is ASCII data,

and said aspect of translating translates from said hexadecimal data into said ASCII data (Kadyk

on col. 2, lines 45-55 and col. 5, lines 8-25 teaches hexadecimal data encoded into ASCII

characters).

Regarding dependent claims 9 and 29, Kim discloses:

retrieving a list of at least one trait that might be possessed by the identified group of text

data corresponding to said desired indicator; and searching said groups of text data to find a

match for one of the traits on said list (Kim on col. 3, lines 16-24 teaches the cursor color

matches the color of the language interface window).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified Kim into Kadyk to provide a way to identify data of the

new language in order to change the color of the cursor, as taught by Kim, incorporated into the

subset of characters encoded from hexadecimal into ASCII, as taught by Kadyk, in order to

enhance the monitoring of a language used by the operating system to communicate with a user

via a display device.

Regarding dependent claims 10 and 30, Kim discloses:

wherein said trait is a coordinate combination on said video screen for said desired

indicator (Kim on col. 3, lines 11-13 teaches the operating system displays the linguistic

characters on a display device and moves the cursor to the next character input position.)

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified Kim into Kadyk to provide a way to identify data of the

new language in order to change the color of the cursor, as taught by Kim, incorporated into the subset of characters encoded from hexadecimal into ASCII, as taught by Kadyk, in order to enhance the monitoring of a language used by the operating system to communicate with a user via a display device.

Regarding dependent claims 11 and 31, Kadyk discloses:

wherein the aspect of retrieving indexes a look-up table (LUT) (Kadyk on col. 2, lines 52-55 teaches a lookup table).

Regarding dependent claims 12 and 32, Kim discloses:

wherein, if no groups of data match a trait on said list, then said text variables are each set to text string descriptive of there being no such indicator displayed on said video screen (Kim on col. 5, lines 5-8 teaches if the signals received from the keyboard are not the language conversion command, then the operating system generates the appropriate character).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified Kim into Kadyk to provide a way to identify data of the new language in order to change the color of the cursor, as taught by Kim, incorporated into the subset of characters encoded from hexadecimal into ASCII, as taught by Kadyk, in order to enhance the monitoring of a language used by the operating system to communicate with a user via a display device.

Regarding dependent claims 13 and 33, Kadyk discloses:

recognizing ones of said text data representing an alphanumeric string to be displayed on said video screen; and setting one of said text variables to be said alphanumeric string (Kadyk on col. 5, lines 8-17 teaches character set represented as ASCII).

Regarding dependent claims 14 and 34, Kim discloses:

recognizing ones of said text data representing a color to be displayed; retrieving, as a

function of the recognized ones of said text data, a color descriptive alphanumeric string

describing said color to be displayed; and setting one of said text variables to be said color-

descriptive alphanumeric string (Kim on col. 3, lines 1-25 teaches language data is represented

by color; wherein the cursor color changes based on the type of language displayed to the user).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified Kim into Kadyk to provide a way to identify data of the

new language in order to change the color of the cursor, as taught by Kim, incorporated into the

subset of characters encoded from hexadecimal into ASCII, as taught by Kadyk, in order to

enhance the monitoring of a language used by the operating system to communicate with a user

via a display device.

Regarding dependent claims 15 and 35, Kadyk discloses:

wherein the aspect of retrieving said descriptive alphanumeric text string indexes a look-

up table (LUT) (Kadyk on col. 2, lines 52-55 teaches lookup table includes encoding character

assigned to each of the hexadecimal digits).

Regarding dependent claims 16 and 36, Kim discloses:

retrieving a version-number indicating a version of said interface; and retrieving, as a

function of said version-number and said color-descriptive text string, a state-descriptive

alphanumeric string descriptive of a state represented by said color-descriptive string (Kim on

col. 3, liens 1-13 teaches the language data is represented by color).

It would have been obvious to a person of ordinary skill in the art at the time the

invention was made to have modified Kim into Kadyk to provide a way to identify data of the

new language in order to change the color of the cursor, as taught by Kim, incorporated into the

subset of characters encoded from hexadecimal into ASCII, as taught by Kadyk, in order to

enhance the monitoring of a language used by the operating system to communicate with a user

via a display device.

Regarding dependent claims 17 and 37, Kadyk discloses:

wherein the aspect of retrieving said alphanumeric state-descriptive string indexes a look-

up table (LUT) (Kadyk on col. 6, lines 26-30 teaches a lookup table to identify the hexadecimal

encodes characters).

Regarding independent claims 19 and 20, the limitations of claims 19 and 20 are similar to

those in independent claims 1 and 18 and are thus rejected under the same rationale.

Response to Arguments

7.   Applicant's arguments with respect to claims 1-37 have been considered but are moot in

view of the new ground(s) of rejection.

Conclusion

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Almari Yuan whose telephone number is 703-305-5945 (571-

272-4104 after October 20, 2004). The examiner can normally be reached on Mondays - Fridays

(8:30am - 5:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Joseph Feild, can be reached on 703-305-9792 (571-272-4090 after October 20,

2004). The fax phone number for the organization where this application or proceeding is

assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JOSEPH FEILD
SUPERVISORY PATENT EXAMINER

AY
September 30, 2004